

REMARKS

Claims 13-18 and 21-30 are pending in the application; claim 20 is canceled with the instant amendment; claims 13-18, 21-27, and 29-30 are withdrawn.

Rejection under 35 U.S.C. 103

Claim 28 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *US 5,741,513*.

Examiner continues to reject claim 28 because the cited reference discloses ethanol and 2-propanol that are considered pharmacologically active substances as evidenced by the reference material provided by examiner.

In view of examiner's continued rejection of claim 28, applicant now submits an amended claim 13 where the pharmacologically active substance now has been defined as a steroid; a non-steroidal antiphlogistic agent; an antibiotic; an antioxidant; or an antiepileptic agent (as claimed in now canceled claim 20).

The gel according to the present invention that is administered according to claim 28 is free of alcohol and contains only water in the gel and optionally a pharmacologically active substance as set forth. Ethanol and 2-propanol are excluded from gel and from the pharmacologically active substance now defined in claim 13.

The present claim 28 now excludes alcohols such as ethanol and 2-propanol so that the composition of the prior art system employing alcohol in an amount of 14 to 20 parts by weight per parts by weight of the phospholipid composition no longer reads on claim 28. There is no suggestion or motivation anywhere in *US 5,741,513* to eliminate alcohol from the composition and use only water for preparing the gel-like phospholipid composition.

Claim 28 is therefore believed to be allowable.

Reconsideration and withdrawal of the rejection of the claim 28 under 35 USC 103 are respectfully requested.

CONCLUSION

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned

would appreciate a phone call or **e-mail** from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on October 14, 2010,

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